

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Amended Accusation
Against:

CYNTHIA JEAN ZIPP

Registered Nurse License No. 550453
Nurse Practitioner Certificate No. 11761
Nurse Practitioner Furnisher Certificate No.
11761

Case No. 2011-484

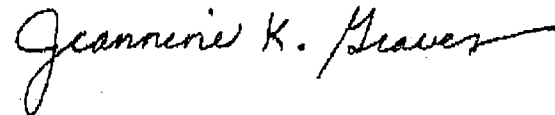
Respondent

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **July 22, 2011**.

IT IS SO ORDERED **June 22, 2011**.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 GEOFFREY WARD
Deputy Attorney General
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Attorneys for Complainant

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10
11 In the Matter of the Amended Accusation
Against:

12 **CYNTHIA JEAN ZIPP**
13 **4285 Broemel Ave.**
Broomfield, CO 80020

14 **Registered Nurse License No. 550453**
15 **Nurse Practitioner Certificate No. 11761**
16 **Nurse Practitioner Furnisher Certificate No.**
17 **11761**

Respondent.

Case No. 2011-484

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL

[Bus. & Prof. Code § 495]

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. LOUISE R. BAILEY, M.Ed., R.N. (Complainant) is the Executive Officer of the
22 Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
24 Geoffrey Ward, Deputy Attorney General.

25 2. Respondent Cynthia Jean Zipp (Respondent) is representing herself in this proceeding
26 and has chosen not to exercise her right to be represented by counsel.

27 3. On or about December 10, 1998, the Board of Registered Nursing issued Registered
28 Nurse License No. 550453 to Cynthia Jean Zipp (Respondent). The Registered Nurse License

1 was in full force and effect at all times relevant to the charges brought in Accusation No. 2011-
2 484, but it became delinquent on August 31, 2010 and has not been renewed.

3 4. On or about July 21, 2000, the Board issued Nurse Practitioner Certificate Number
4 11761 to Respondent. The Nurse Practitioner Certificate was in full force and effect at all times
5 relevant to the charges brought in this Accusation and became delinquent on August 31, 2010 and
6 has not been renewed.

7 5. On or about April 13, 2001, the Board issued Nurse Practitioner Furnisher Certificate
8 Number 11761 to Respondent. The Nurse Practitioner Furnisher Certificate expired on August
9 31, 2004 and has not been renewed.

10 JURISDICTION

11 6. Accusation No. 2011-484 was filed before the Board of Registered Nursing (Board),
12 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
13 and all other statutorily required documents were properly served on Respondent on November
14 24, 2010. It was served on Respondent on November 4, 2010 and is currently pending against
15 her. Respondent timely filed her Notice of Defense contesting the Accusation. On April 4, 2011,
16 the Board filed a First Amended Accusation. It was served upon her on April 5, 2011. A copy of
17 the First Amended Accusation No. 2011-484 is attached as exhibit A and incorporated herein by
18 reference.

19 ADVISEMENT AND WAIVERS

20 7. Respondent has carefully read, and understands the charges and allegations in the
21 First Amended Accusation No. 2011-484. Respondent has also carefully read, and understands
22 the effects of this Stipulated Settlement and Disciplinary Order for Public Reprimand.

23 8. Respondent is fully aware of her legal rights in this matter, including the right to a
24 hearing on the charges and allegations in the First Amended Accusation; the right to be
25 represented by counsel at her own expense; the right to confront and cross-examine the witnesses
26 against her; the right to present evidence and to testify on her own behalf; the right to the issuance
27 of subpoenas to compel the attendance of witnesses and the production of documents; the right to
28

1 reconsideration and court review of an adverse decision; and all other rights accorded by the
2 California Administrative Procedure Act and other applicable laws.

3 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
4 every right set forth above.

5 CULPABILITY

6 10. Respondent admits the truth of each and every charge and allegation in the First
7 Amended Accusation No. 2011-484.

8 11. Respondent agrees that her Registered Nurse License, Nurse Practitioner Certificate,
9 and Nurse Practitioner Furnisher Certificates are subject to and she agrees to be bound by the
10 Board's Disciplinary Order below.

11 CIRCUMSTANCES IN MITIGATION

12 12. Respondent Cynthia Jean Zipp has never been the subject of any prior disciplinary
13 action. She is admitting responsibility for the conduct alleged in the First Amended Accusation
14 and has had no further complaints against her nursing license and certificates. She has received
15 recent positive work performance evaluations and nursing colleagues who have worked with her
16 have testified to her good character and work performance.

17 CONTINGENCY

18 13. This stipulation shall be subject to approval by the Board of Registered Nursing.
19 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
20 Registered Nursing may communicate directly with the Board regarding this stipulation and
21 settlement, without notice to or participation by Respondent. By signing the stipulation,
22 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
23 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
24 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for
25 Public Reproval shall be of no force or effect, except for this paragraph, it shall be inadmissible in
26 any legal action between the parties, and the Board shall not be disqualified from further action
27 by having considered this matter.
28

14. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order for Public Reproval, including facsimile signatures thereto, shall have the same force and effect as the originals.

15. This Stipulated Settlement and Disciplinary Order for Public Reproval is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order for Public Reproval may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

16. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 550453, Nurse Practitioner Certificate No. 11761, and Nurse Practitioner Furnisher Certificate No. 11761 issued to Respondent Cynthia Jean Zipp shall, by way of letter from the Board's Executive Officer, be publicly reprovved. The letter shall be in the same form as the letter attached as Exhibit B to this stipulation.

[illegible]

DATED:

CYNTHIA JEAN ZIPPO
Respondent

Dated:

KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General

GEOFFREY WARD
Deputy Attorney General
Attorneys for Complainant

SECRET

Exhibit A

First Amended Accusation No. 2011-484

RECEIVED
NOV 20 01
THOMAS P. H. C.
H. COLEMAN

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the First Amended Accusation Case No. 2011-484
11 ~~Against:~~

FIRST AMENDED ACCUSATION

12 **CYNTHIA JEAN ZIPP**

13 **4285 Broemel Avenue**
14 **Broomfield, CO 80020**

15 **Registered Nurse License No. 550453**
16 **Nurse Practitioner Certificate No. 11761**
17 **Nurse Practitioner Furnisher Certificate No.**
18 **11761**

Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
23 Department of Consumer Affairs.

24 2. On or about December 10, 1998, the Board issued Registered Nurse License Number
25 550453 to Cynthia Jean Zipp ("Respondent"). The Registered Nurse License was in full force
26 and effect at all times relevant to the charges brought in this Accusation and became delinquent
27 on August 31, 2010 and has not been renewed.
28

1 3. On or about July 21, 2000, the Board issued Nurse Practitioner Certificate Number
2 11761 to Respondent. The Nurse Practitioner Certificate was in full force and effect at all times
3 relevant to the charges brought in this Accusation and became delinquent on August 31, 2010 and
4 has not been renewed.

5 4. On or about April 13, 2001, the Board issued Nurse Practitioner Furnisher Certificate
6 Number 11761 to Respondent. The Nurse Practitioner Furnisher Certificate expired on August
7 31, 2004 and has not been renewed.

8 **JURISDICTION AND STATUTORY PROVISIONS**

9 5. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
10 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
11 inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of
12 the Nursing Practice Act.

13 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license or
14 certificate shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
15 against the licensee or to render a decision imposing discipline on the license or certificate.
16 Under Section 2811 subdivision (b) of the Code the Board may renew an expired license or
17 certificate at any time within eight years after the expiration.

18 7. Section 118 subdivision (b) of the Code also grants the Board jurisdiction over
19 suspended, expired, forfeited, cancelled, or surrendered licenses:

20 "The suspension, expiration, or forfeiture by operation of law of a license issued by a board
21 in the department, or its suspension, forfeiture, or cancellation by order of the board or by order
22 of a court of law, or its surrender without the written consent of the board, shall not, during any
23 period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
24 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
25 provided by law or to enter an order suspending or revoking the license or otherwise taking
26 disciplinary action against the licensee on any such ground."

27 8. Section 2761 of the Code provides, in pertinent part:

28 "The board may take disciplinary action against a certified or licensed

nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

.....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

COST RECOVERY

9. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Disciplinary Action by the Colorado Board of Nursing)

10. Respondent is subject to discipline pursuant to Section 2761 subdivision (a)(4) of the Code on the grounds of unprofessional conduct because she was disciplined by the Colorado Board of Nursing ("Colorado Board"), as follows:

11. On or about September 23, 2009, the Colorado Board issued a Letter of Admonition in case number 2009-004201. In its Letter of Admonition the Colorado Board found as follows:

- a. In 2006, Respondent was employed as a nurse practitioner at Western Cardiology where she performed cardiac stress tests on patients.
- b. On or about April 6, 2006, Respondent was to perform a stress test on a patient who had complex respiratory and cardiac problems. Before administering Adenosine, the drug used to begin the test, Respondent observed the patient wheezing. She aborted the test, giving the patient a nebulizer treatment instead. Respondent instructed the patient to have a different type of stress test performed in the hospital.

1 c. On or about September 15, 2006, the same patient returned to Western
2 Cardiology without having taken the stress test at the hospital. During this visit,
3 Respondent did not have the patient's medical record and did not review her prior
4 assessment and plan for the patient. Respondent proceeded with the stress test.
5 After she administered Adenosine and began the test, the patient collapsed and
6 went into full cardiopulmonary arrest. The patient subsequently died.

7 d. The Colorado Board concluded that Respondent's failure on September 15,
8 2006 to review her previous assessment, diagnosis, and plan from the patient's
9 April 6, 2006 visit violated the Colorado Nursing Practice Act. The Board
10 concluded that Respondent had failed to act in a manner consistent with the health
11 or safety of a patient under her care and failed to meet the generally accepted
12 standard for nursing practice.

13 12. Under Section 2761 subdivision (a)(4) of the Code, the Colorado Board's disciplinary
14 action against Respondent in September 2009 for failing to review her patient's medical records
15 prior to administering a cardiac stress test is ground for the California Board to take disciplinary
16 action.

17 SECOND CAUSE FOR DISCIPLINE

18 (Unprofessional Conduct)

19 13. By committing the acts set forth in paragraphs 10-12, above, Respondent is subject to
20 discipline under Section 2761 subdivision (a) of the Code on the grounds of unprofessional
21 conduct because by failing to review her prior assessment, diagnosis, and plan for a patient prior
22 to administering a cardiac stress test she failed to exercise the skill and care of a competent
23 registered nurse.

24 PRAYER

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Board of Registered Nursing issue a decision:
27
28

1 1.1. Revoking or suspending Registered Nurse License Number 550453, Nurse
2 Practitioner Certificate No. 11761, and Nurse Practitioner Furnisher Certificate No. 11761 issued
3 to Cynthia Jean Zipp;

4 1.2. Ordering Cynthia Jean Zipp to pay the Board of Registered Nursing the reasonable
5 costs of the investigation and enforcement of this case, pursuant to Business and Professions
6 Code Section 125.3; and,

7 1.3. Taking such other and further action as deemed necessary and proper.

8 DATED:

April 4, 2011

Louise R. Bailey
LOUISE R. BAILEY, M.Ed., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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Exhibit B

Letter of Public Reproval in Case No. 2011-484

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JAN 11 2012



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
BOARD OF REGISTERED NURSING
PO Box 944210, Sacramento, CA 94244-2100
P (916) 322-3350 F (916) 574-8637 | www.rn.ca.gov
Louise R. Bailey, MEd, RN, Executive Officer



June 6, 2011

Cynthia Jean Zipp
4285 Broemel Avenue
Broomfield, CO 80020

RE: LETTER OF PUBLIC REPROVAL

In the Matter of the First Amended Accusation Against: **CYNTHIA JEAN ZIPP**
Registered Nurse License No. 550453, Nurse Practitioner Certificate No. 11761, Nurse
Practitioner Furnisher Certificate No. 11761

Dear Ms. Toney:

On April 4, 2011, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed a First Amended Accusation against your Registered Nurse License, your Nurse Practitioner Certificate, and your Nurse Practitioner Furnisher Certificate. The First Amended Accusation alleged that while working in Colorado as a nurse Practitioner you engaged in unprofessional conduct under California Business and Professions Code section 2761 subdivision (a) and were disciplined by a letter of admonition for that conduct by the Colorado Board of Nursing, which also subjects your license and certificates to discipline for unprofessional conduct under California Business and Professions Code section 2761 subdivision (a)(4).

The incident for which you are being disciplined occurred on or about September 15, 2006, while you were employed as a nurse Practitioner at a cardiology center in Colorado. On that day, you failed to review a patient's medical records, including a previous assessment, diagnosis, and plan, before administering a cardiac stress test to that patient. While undergoing the cardiac stress test, the patient collapsed, went into cardiopulmonary arrest, and subsequently died. Although you were not responsible for the unavailability of the patient's records at the time of the stress test, and although you had previously advised the patient to take the test in a hospital setting, you should have reviewed the patient's records before proceeding with the stress test that day. For this incident, you were disciplined by the Colorado State Board of Nursing in a letter of admonition that took effect on September 23, 2009.

Taking into consideration the following mitigating circumstances in this case that support the determination that you are safe to practice registered nursing, the Board has decided that the charges warrant a public reproof. You have been admitted to practice nursing in California since 1998. You have had no prior disciplinary action against you and no prior complaints against your California nursing license before the incident in Colorado in September 2006. Since then, there have been no further complaints against your license or further causes for discipline. You have accepted responsibility for and expressed remorse for this incident. You have received positive work performance evaluations since then, and nursing colleagues who have worked with you have testified to your good character and work performance.

Accordingly, pursuant to the authority provided by under Business and Profession Code section 495, the Board of Registered Nursing, Department of Consumer Affairs issues this letter of public reproof.

Sincerely,

A handwritten signature in cursive script that reads "Louise R. Bailey".

LOUISE R. BAILEY, M.Ed., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California